



The Attorney General of Texas

February 1, 1980

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An Equal Opportunity:
Affirmative Action Employer

Honorable John C. Ross, Jr.
Lubbock City Attorney
P. O. Box 2000
Lubbock, Texas 79457

Open Records Decision No. 234

Re: Whether plans, locations and estimates involved in a proposed reservoir project are available under the Open Records Act.

Dear Mr. Ross:

You have requested our decision as to whether plans, locations and cost estimates relating to a proposed reservoir and water line project are available under the Open Records Act, article 6252-17a, V.T.C.S.

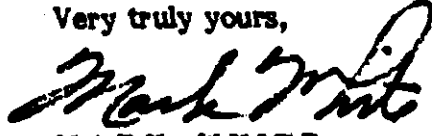
You explain that the project is presently in the planning and negotiation stage. No decision as to location has been made and no property has been purchased. The project has not been presented for approval to the City Council. The city's engineering department recently prepared a tentative revised cost estimate to assist in negotiations. You suggest that all information relating to plans, locations and costs is excepted from disclosure under section 3(a)(5) of the Open Records Act, as

information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor

In Open Records Decision No. 222 (1979), we said that a private consulting firm's study of possible sites for a sludge treatment plant was not excepted from disclosure after a site had been purchased. Relying upon the reasoning in Open Records Decision No. 5 (1973), we said that a study could be withheld if it was still the basis for good faith negotiations regarding the purchase by the city of the particular property in question. So long as negotiations regarding the purchase of a site for the reservoir and water line have not been completed, we believe that the city may withhold all proposed plans, locations and cost estimates under section 3(a)(5). When the transaction has been completed, all factual information relating to the

project will become available to the public. See Open Records Decision No. 222 (1979).
See also Open Records Decision No. 5 (1973).

Very truly yours,



MARK WHITE
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